

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 110

97TH GENERAL ASSEMBLY

0039S.06T

2013

AN ACT

To repeal sections 115.027, 115.607, 473.730, 473.733, and 473.737, RSMo, and to enact in lieu thereof six new sections relating to the selection of public officials.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 115.027, 115.607, 473.730, 473.733, and 473.737, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections 26.226, 115.027,
3 115.607, 473.730, 473.733, and 473.737, to read as follows:

26.226. **In case of death, resignation, removal from office, conviction after**
2 **impeachment, or vacancy from any cause in the office of lieutenant governor, the governor**
3 **shall, within thirty days, issue a writ of election to fill the vacancy for the remainder of the**
4 **term in which such vacancy occurred and until the successor is elected, commissioned, and**
5 **qualified. Such election shall be held at the next general election. The candidates for the**
6 **election shall be nominated and placed on the ballot in accordance with the provisions of**
7 **sections 115.305 to 115.405. In the case of impeachment, the office shall remain vacant**
8 **until such impeachment is determined. If acquitted, the lieutenant governor shall be**
9 **reinstated in office. During any period of time when the office of lieutenant governor is**
10 **vacant, the chief administrative assistant of the vacating lieutenant governor shall perform**
11 **all ministerial duties during the period of such vacancy, provided however, that any duties**
12 **of the lieutenant governor as president of the senate shall be performed by the president**
13 **pro tempore of the senate during the period of such vacancy.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

115.027. 1. Each board of election commissioners shall be composed of four members, appointed by the governor with the advice and consent of the senate. Two commissioners on each board shall be members of one major political party, and two commissioners on each board shall be members of the other major political party. In no case shall more than two commissioners on a board be members of the same political party. When appointing commissioners, the governor shall designate one commissioner on each board to be chairman of the board and one commissioner on each board to be secretary of the board. The chairman and secretary of a board shall not be members of the same political party.

2. In jurisdictions with boards of election commissioners as the election authority, the governor may appoint to the board one representative from each established political party. The representative shall not be a member of the board for purposes of subsection 1 of this section. The state chair of each established political party shall submit a list of no more than four names from which the governor shall select the representative for that party. The representative shall not have voting status, and shall not be compensated, but shall be allowed to participate in discussions and be informed of any meeting of the board.

3. The governor shall not make any appointment, during the legislative interim, to the board of election commissioners in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants.

115.607. 1. No person shall be elected or shall serve as a member of a county committee who is not, for one year next before the person's election, both a registered voter of and a resident of the county and the committee district from which the person is elected if such district shall have been so long established, and if not, then of the district or districts from which the same shall have been taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the membership of a county committee of each established political party shall consist of a man and a woman elected from each township or ward in the county.

2. In each county of the first classification containing the major portion of a city which has over three hundred thousand inhabitants, [two members of the committee, a man and a woman, shall be elected from each ward in the city. Any township entirely contained in the city shall have no additional representation on the county committee. The election authority for the county shall, not later than six months after the decennial census has been reported to the President of the United States, divide the most populous township outside the city into eight subdistricts of contiguous and compact territory and as nearly equal in population as practicable. The subdistricts shall be numbered from one upward consecutively, which numbers shall, insofar as practicable, be retained upon reapportionment. Two members of the county committee, a man and a woman, shall be elected from each such subdistrict. Six members of the committee, three men and three women, shall be elected from the second and third most populous townships

19 outside the city. Four members of the committee, two men and two women, shall be elected
20 from the other townships outside the city] **members of the committee shall be elected from the**
21 **districts of each state representative that are in any way contained in the county in the**
22 **following manner: within six months after each legislative reapportionment, each portion**
23 **of a legislative district contained in the county shall constitute a single committee district.**
24 **Two men and two women shall be elected from each committee district formed from a**
25 **legislative district that is wholly contained in the county as members of the committee, two**
26 **men and two women shall be elected from each committee district formed from a legislative**
27 **district that is predominantly contained in the county as members of the committee, and**
28 **one man and one woman shall be elected from each committee district formed from a**
29 **legislative district that is partially but not predominantly contained in the county as**
30 **members of the committee.**

31 3. [In any city which has over three hundred thousand inhabitants, the major portion of
32 which is located in a county with a charter form of government, for the portion of the city located
33 within such county and notwithstanding section 82.110, it shall be the duty of the election
34 authority, not later than six months after the decennial census has been reported to the President
35 of the United States, to divide such cities into not less than twenty-four nor more than
36 twenty-five wards after each decennial census. Wards shall be so divided that the number of
37 inhabitants in any ward shall not exceed any other ward of the city and within the same county,
38 by more than five percent, measured by the number of the inhabitants determined at the
39 preceding decennial census.

40 4.] In each county of the first classification containing a portion, but not the major
41 portion, of a city which has over three hundred thousand inhabitants, ten members of the
42 committee, five men and five women, shall be elected from the district of each state
43 representative wholly contained in the county in the following manner: within six months after
44 each legislative reapportionment, the election authority shall divide each legislative district
45 wholly contained in the county into five committee districts of contiguous territory as compact
46 and as nearly equal in population as may be; two members of the committee, a man and a
47 woman, shall be elected from each committee district. The election authority shall divide the
48 area of the county located within legislative districts not wholly contained in the county into
49 similar committee districts; two members of the committee, a man and a woman, shall be elected
50 from each committee district.

51 [5.] 4. In each city not situated in a county, two members of the committee, a man and
52 a woman, shall be elected from each ward.

53 [6.] 5. In all counties with a charter form of government and a population of over nine
54 hundred thousand inhabitants, the county committee persons shall be elected from each
55 township. Within ninety days after August 28, 2002, and within six months after each decennial
56 census has been reported to the President of the United States, the election authority shall divide
57 the county into twenty-eight compact and contiguous townships containing populations as nearly
58 equal in population to each other as is practical.

59 [7.] 6. If any election authority has failed to adopt a reapportionment plan by the deadline
60 set forth in this section, the county commission, sitting as a reapportionment commission, shall
61 within sixty days after the deadline, adopt a reapportionment plan. Changes of township, ward,
62 or precinct lines shall not affect the terms of office of incumbent party committee members
63 elected from districts as constituted at the time of their election.

473.730. 1. Every county in this state, [and] **except** the city of St. Louis, shall elect a
2 public administrator at the general election in the year 1880, and every four years thereafter, who
3 shall be ex officio public guardian and conservator in and for the public administrator's county.
4 A candidate for public administrator shall be at least twenty-one years of age and a resident of
5 the state of Missouri and the county in which he or she is a candidate for at least one year prior
6 to the date of the general election for such office. The candidate shall also be a registered voter
7 and shall be current in the payment of all personal and business taxes. Before entering on the
8 duties of the public administrator's office, the public administrator shall take the oath required
9 by the constitution, and enter into bond to the state of Missouri in a sum not less than ten
10 thousand dollars, with two or more securities, approved by the court and conditioned that the
11 public administrator will faithfully discharge all the duties of the public administrator's office,
12 which bond shall be given and oath of office taken on or before the first day of January following
13 the public administrator's election, and it shall be the duty of the judge of the court to require the
14 public administrator to make a statement annually, under oath, of the amount of property in the
15 public administrator's hands or under the public administrator's control as such administrator, for
16 the purpose of ascertaining the amount of bond necessary to secure such property; and such court
17 may from time to time, as occasion shall require, demand additional security of such
18 administrator, and, in default of giving the same within twenty days after such demand, may
19 remove the administrator and appoint another.

20 2. The public administrator in all counties, in the performance of the duties required by
21 chapters 473, 474, and 475, is a public officer. The duties specified by section 475.120 are
22 discretionary. The county shall defend and indemnify the public administrator against any
23 alleged breach of duty, provided that any such alleged breach of duty arose out of an act or
24 omission occurring within the scope of duty or employment.

25 3. After January 1, 2001, all salaried public administrators shall be considered county
26 officials for purposes of section 50.333, subject to the minimum salary requirements set forth in
27 section 473.742.

28 **4. The public administrator for the city of St. Louis shall be appointed by a**
29 **majority of the circuit judges and associate circuit judges of the twenty-second judicial**
30 **circuit, en banc. Such public administrator shall meet the same qualifications and**
31 **requirements specified in subsection 1 of this section for elected public administrators. The**
32 **elected public administrator holding office on the effective date of this section shall**
33 **continue to hold such office for the remainder of his or her term.**

 473.733. The public administrator's certificate of election, **if applicable**, official oath
2 and bond shall be filed and recorded with the probate clerk, and copies thereof, certified under
3 the seal of such court, shall be evidence. Any person injured by the breach of such bond may sue
4 upon the same in the name of the state for his own use.

 473.737. 1. Each public administrator elected **or appointed**, as now or as hereafter
2 provided for in sections 473.730 to 473.767, is hereby declared to be an officer for the county
3 in which such administrator is elected [and for the city of St. Louis, if elected therein] **or**
4 **appointed**. The county commissions of each county in this state shall make suitable provision
5 for an office for the public administrator in the courthouse of the county if suitable space may
6 be had for such an office, and shall be provided as soon as the county commission shall be of the
7 opinion that the business in charge of the public administrator is such as to reasonably require
8 a separate office for the convenience of the public. The public administrator of the city of St.
9 Louis shall have suitable and convenient offices provided for him or her in the civil courts
10 building by that city.

11 2. Each public administrator of a county, except a county of the first classification having
12 a charter form of government, in which a state mental hospital is located, or any county of the
13 second classification which contains a habilitation center operated by the department of mental
14 health and which does not adjoin a county of the first classification shall be entitled to one
15 secretary for one hundred cases or more handled by the office of the public administrator in the
16 immediately preceding calendar year. Each secretary employed pursuant to the provisions of this
17 subsection shall be paid in the same pay range as a court clerk II in the circuit court personnel
18 system. All compensation paid secretaries employed pursuant to the provisions of this
19 subsection shall be paid out of the county treasury and the commissioner of administration shall
20 annually reimburse each county for the compensation so paid upon proper demand being made
21 out of appropriations made for that purpose. The public administrator in such counties may also
22 appoint a person to act as public administrator to serve during the absence of the public
23 administrator.

24 3. The governing bodies of each county and each city not within a county of this state
25 may provide clerical personnel, not qualifying as status of deputy, for the public administrator
26 of the county, and such personnel shall be provided when the governing body is of the opinion
27 that the business in charge of the public administrator is such as to reasonably require such
28 personnel for the welfare of the public.

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